

JS 44 (Rev. 12/07, NJ 5/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Candace Watkins, on behalf of herself and all others similarly situated,

(b) County of Residence of First Listed Plaintiff Camden

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Friedman Doherty, LLC, 125 North Route 73, West Berlin, NJ 08091; dmd@FriedmanDoherty.com; 856-988-7777

DEFENDANTS

CLS & Associates, Inc., Stephen Reynolds and Christopher Roberto.

County of Residence of First Listed Defendant Bergen County

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

unknown

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Freedom Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 USC 1692 et seq

Brief description of cause:
Fair Debt Collection Practices Act

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S)

(See instructions):

JUDGE

DOCKET NUMBER

Explanation:

7/28/10

[Signature]

SIGNATURE OF ATTORNEY OF RECORD

FRIEDMAN DOHERTY, LLC

Donald M. Doherty, Jr., Esq.

(DD-0466)

125 North Route 73

West Berlin, New Jersey 08091

(856) 988-7777

Attorneys for Plaintiff and Putative Class

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
(CAMDEN VICINAGE)**

Candace Watkins, on behalf of herself, and all others similarly situated,	:	Civil Case No. 2:10-cv-00703
	:	
<i>Plaintiff,</i>	:	<i>1st Amended</i> Complaint
vs.	:	(Class Action with ind. claim)
	:	
CLS & Associates, Inc., Stephen Reynolds and Christopher Roberto,	:	
	:	
<i>Defendants.</i>	:	

Plaintiff hereby complains against the Defendants as follows:

PARTIES

1. This action is brought by the Plaintiff on behalf of herself, and all others similarly situated, whose joinder in this action is impracticable because of the number of Plaintiffs and the size of their prospective claims.
2. Plaintiff Candace Watkins resides at 1007 Huntington Mews, Clementon, Camden County, NJ.
3.
 - a. Defendant CLS & Associates, Inc. is a New Jersey corporation with a primary place of business located at 146 Third Street, Ridgefield Park, NJ 07660.
 - b. Defendant Stephen Reynolds is a debt collector employed by Defendant CLS & Associates, Inc.
 - c. Defendant Christopher Roberto is the CEO of CLS & Associates, Inc. and bears the responsibility for and receives the benefits of, CLS & Associates, Inc.'s collection processes.

JURISDICTION

4. Jurisdiction is proper in the Federal District Court as the case is premised solely upon a federal question as defined under 28 U.S.C. 1331, to wit, application and interpretation of the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et. seq.
5. Venue is properly lies in the District of New Jersey pursuant to 15 U.S.C. 1692k(d), as the plaintiff and many of those similarly situated to her reside in New Jersey.

BACKGROUND

6. Defendants regularly collect, or attempts to collect debts due (or claimed to due) another. For example, in the instance of Ms. Watkins, Defendants were collecting an alleged debt due Hand Surgery & Rehabilitation Center.
7. Defendants engages in the collection of consumer debts. For example, in the instance of Ms. Watkins, the alleged debt being collected was for a medical procedure-related bill.
8. Defendants send out collection letters as part of their debt collection processes.
9.
 - A. Defendants initial contact correspondence does not contain any of the information regarding the validation of the debt required by the Fair Debt Collection Practices Act that a debt collector provide to an alleged debtor. Instead, it demands payment “within ten (10) days” to avoid litigation (over the \$237.13 debt). In the instance of Ms. Watkins, this initial contact correspondence was dated February 5, 2010.
 - B. The initial contact correspondence demands overshadows and conflicts with the 30-day right to have the debts verified available under the Fair Debt Collection Practices Act and fails to inform the debtor of the validation procedures and time frames.
 - C. Defendants include language in the correspondence indicating that it will “file judgment” against the debtor at a point when there is no litigation even pending.
 - D. Defendants correspondence references that the debtor will be responsible for “court legal costs, interest and legal fees” even though New Jersey law does not all the unilateral establishment of what a debtor must pay.
 - E. The Defendant attempts to collect sums not permitted to be collected under New Jersey law.
 - F. The Defendant confuses debtors as to the sum due. For example, with the Plaintiff, a letter was sent February 5, 2010 alleging \$237.13 was due. Only 11 days later on February 16th, Defendant demands payment for \$526.13.

CLASS ALLEGATIONS

10. The first proposed class consists of all natural persons within the preceding 12 months to whom the Defendants directed correspondence regarding consumer debts similar to that received by the Plaintiff.
11. The notices complained of and received by the Plaintiff had the offending language pre-printed on the form, with standardized blanks containing the debt and the creditor, lending to the conclusion that it was standardized form practice. These are circumstances indicative of mass collection operation.
12. Members of the prospective classes are therefore likely too numerous that joinder of all class members is impractical. Plaintiff's good faith belief is that there are several hundred to several thousand class members in the class. The exact number and identities of the class members are currently unknown and can be ascertained from the books/records of the Defendant and/or appropriate discovery.
13. Common questions of law and fact exist as to all members of the class that predominate over any questions affecting any individual class member of the class.
14. Common questions of fact include, but may not be limited to:
 - a. What volume of correspondence, alleged to violate the Fair Debt Collection Practices Act, was sent within the 1 year limitation period of 15 U.S.C. 1692k(d)?
15. Common questions of law include, but may not be limited to:
 - a. Are the Defendants a "debt collector" within the purview of 15 U.S.C. 1692a(6)?
 - b. Do the various contentions listed in paragraphs 6 through 9, constitute a violation(s) of the Fair Debt Collection Practices Act?
 - c. If a class is certified and damages are awarded, what is the proper methodology for determining "net worth" under 15 U.S.C. 1692k(a)(2)(B)?
16. Plaintiff's claims are typical of the claims of the class(es) and Plaintiff has the same interest as all other members of the class(es) - ensuring Defendant complies with all laws affecting the collection of consumer debts.
17. Plaintiff will fairly and adequately represent and protect the interest of the classes. Plaintiff is a person against whom Defendant directed communication(s) that failed to comply with the Fair Debt Collection Practices Act.
18. Plaintiff has retained counsel with experience in class action litigation, as well as other complex litigation. The interest of the Plaintiff is coincident to, and not antagonistic to, the interest of other class members.
21. The questions of law and fact common to members of the class predominant over any

questions affecting individual class members. The prosecution of separate actions by individual members of the class would result in duplicitous litigation over the same issues and possibly create a risk of inconsistent or varying adjudications that could result in establishing inconsistent standards of conduct, policies and/or procedures for the Defendants. The Defendants holds policies and/or act in ways that affect all class members identically.

22. The class action mechanism is superior to other available methods for the fair and efficient adjudication of this controversy.
23. The class is readily definable and prosecution of this action as a class action will eliminate the possibility of repetitious litigation. Neither Plaintiff, nor her counsel, will have difficulty managing their respective roles in prosecuting this action as a class action.

VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT,
15 U.S.C. 1692 et. seq.

24. Defendants fail to comply with statutorily mandated procedures and interpretive case law for the collection of debts due to their clients.
25. Defendant's practices violate the Fair Debt Collection Practices Act, 15 U.S.C. 1692, et. seq.

WHEREFORE, Plaintiff requests judgment as follows:

- a. Certifying a class or multiple classes, as may be appropriate;
- b. Awarding such sums as appropriate under *15 U.S.C. 1692k*;
- c. Awarding counsel fees and costs of suit;
- d. Awarding pre-judgment interest;
- e. Awarding other such relief as the Court may deem fair and equitable.

Individual Claim(s)
Background

1. After Defendants CLS & Associates, Inc. and Reynolds first contacted the Plaintiff by the initial correspondence referenced above, Defendants then contacted Plaintiff by telephone, including on February 6, 2010.
2. In those telephone conversations Defendant Reynolds repeatedly referenced putting a judgement on" the Plaintiff and that he was "electronically filing to garnish her wages".
3. This caused Plaintiff great distress.
4. This statements were also untrue. Defendants were unable to secure a judgement or a wage execution because a lawsuit had not even been filed.

5. Defendant Roberto benefits from the collections made through the use of these false statements.

VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. 1692 et. seq.

6. Defendant fails to comply with statutorily mandated procedures and interpretive case law for the collection of debts due to their clients.
7. These practices violate the Fair Debt Collection Practices Act, 15 U.S.C. 1692, et. seq.

WHEREFORE, Plaintiff requests judgment as follows:

- a. Awarding such sums as appropriate under 15 U.S.C. 1692k;
- b. Awarding counsel fees and costs of suit;
- c. Awarding pre-judgment interest;
- d. Awarding other such relief as the Court may deem fair and equitable.

FRIEDMAN DOHERTY, LLC

/s/ Donald M. Doherty, Jr.

Dated: July 28, 2010

DONALD M. DOHERTY, Esq.

DD-0446